

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**NOATEX CORPORATION, a California
Corporation**

PLAINTIFF

V.

CAUSE NO. 3:11cv00137-MPM-SAA

**KING CONSTRUCTION OF HOUSTON,
LLC, a Mississippi LLC, CARL KING, and
DOES 1-10, inclusive.**

DEFENDANT

NOTICE OF APPEAL

Notice is hereby given that Intervenor, the State of Mississippi, by and through Jim Hood, Attorney General of the State of Mississippi, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Order and Judgment entered in the above named and styled case on the 12th day of April, 2012, which found Mississippi's "Stop Notice" statute, § 85-7-181 of the Miss. Code 1972, is unconstitutional as violating the Fourteenth Amendment of the United States Constitution. The State appeals that finding, including any other issue in which the district court erred. The State has mailed the filing fee to the Court via U.S. Mail.

Respectfully submitted, this the 11th day of May, 2012,

The State of Mississippi

**BY: JIM HOOD, ATTORNEY GENERAL
STATE OF MISSISSIPPI**

**BY: /s/ L. Christopher Lomax
L. Christopher Lomax, MSB No. 103479
SPECIAL ASSISTANT ATTORNEY GENERAL**

Office of the Attorney General
Civil Litigation Division
Post Office Box 220
Jackson, Mississippi 39205
Telephone: (601) 359-5654
Facsimile: (601) 359-2003

CERTIFICATE OF SERVICE

I, L. Christopher Lomax, Special Assistant Attorney General for the State of Mississippi, do hereby certify that on May 11, 2012, I filed a true and correct copy of the above *Notice of Appeal* with the Clerk of the Court and sent a true and correct copy to the following via United States Mail:

Counsel for the Plaintiffs:

James C. Simpson, Jr., Esquire
Nicole Huffman, Esquire
WISE CARTER CHILD & CARAWAY, P.A.
2781 C.T. Switzer, Sr. Drive, Suite 307
Biloxi, Mississippi 39531

Robert E. Kohn, Esquire
KOHN LAW GROUP, INC.
1901 Avenue of the Stars, Suite 1900
Los Angeles, California 90067

Counsel for Defendants:

B. Wayne Williams, Esquire
WEBB SANDERS & WILLIAMS
265 North Lamar Boulevard, Suite R
Post Office Box 496
Tupelo, Mississippi 38802

/s/ L. Christopher Lomax
L. Christopher Lomax